

Robert Stroup  
Levy Ratner, P.C.  
80 Eighth Avenue, 8th Floor  
New York, NY 10011  
Telephone: 212 627-8100  
Facsimile: 212 627-8182  
rstroup@levyratner.com

Elisabeth Oppenheimer  
Bredhoff & Kaiser, P.L.L.C.  
805 15<sup>th</sup> St. N.W., Suite 1000  
Washington, D.C. 20005  
Telephone: (202) 842-2600  
Facsimile: (202) 842-1888  
eoppeneimer@bredhoff.com

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

<b>BOARD OF TRUSTEES OF THE</b>	)	
<b>PACE INDUSTRY</b>	)	
<b>UNION-MANAGEMENT</b>	)	<b>Miscellaneous No. <u>19-MC-461</u></b>
<b>PENSION FUND,</b>	)	
	)	<b>This document relates to:</b>
<b>Plaintiff,</b>	)	<b><u>Ely v. Board of Trustees of the PACE</u></b>
	)	<b><u>Industry Union-Management Pension Fund,</u></b>
<b>v.</b>	)	<b><u>D. Idaho. Case No. 3:19-cv-315-CWD</u></b>
	)	
<b>MERCER, INC.</b>	)	
	)	
<b>Defendant.</b>	)	

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**NOTICE OF MOTION TO COMPEL RESPONSE TO SUBPOENA**

PLEASE TAKE NOTICE that, upon this Motion to Compel Response to Subpoena, together with the accompanying Memorandum of Law in Support, and the annexed declaration and exhibit(s) of Plaintiffs' Board of Trustees of the Pace Industry Union-Management Pension Fund ("PIUMPF"), the undersigned will move before this Court, located in the courtroom of the Presiding Judge in New York, New York, as soon as counsel may be heard, for an order pursuant to Federal Rule of Civil Procedure 45: (i) overruling non-party Mercer, Inc.'s objections to the

dated August 14, 2019 subpoena, duly served upon Mercer in *Donnie Ely, v. Board of Trustees of the Pace Industry Union-Management Pension Fund*, Civil Case No. 3:18-cv-00315-CWD, pending in the United States District Court for the District of Idaho, and requiring Mercer to comply with the subpoena by responding to all document requests within twenty-one (21) days of the Court's Order; (ii) for their attorneys' fees and costs incurred in bringing this motion; and (iii) granting all such other and further relief as is necessary and appropriate.

Dated: October 15, 2019

Respectfully submitted,

/s/ Robert H. Stroup  
Robert H. Stroup  
LEVY RATNER, P.C.  
80 8<sup>th</sup> Street, 8<sup>th</sup> Floor  
New York, NY 10011  
Phone: (212)627-8100  
Fax: (212) 627-8142  
Email: rstroup@levyratner.com

-and-

Elisabeth Oppenheimer\*  
Bredhoff & Kaiser, P.L.L.C.  
805 15<sup>th</sup> St. N.W., Suite 1000  
Washington, D.C. 20005  
Telephone: (202) 842-2600  
Facsimile: (202) 842-1888  
Email: eoppeneimer@bredhoff.com

*Attorneys for PIUMPF*

*\*Pro Hac Vice motion to be filed forthwith*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 15th day of October, 2019, I filed the foregoing electronically through the CM/ECF system. The document will be served via process server on Mercer's registered agent CT Corporation System, 28 Liberty Street, New York, NY 10005 on October 15, 2019, and will also be served on October 15, 2019 via FedEx and email on Mercer's counsel at the following address: Ronnie Brandes, Marsh & McLennan Companies, Inc., 1166 Avenue of the Americas, New York, New York 10036, [ronnie.brandes@mercer.com](mailto:ronnie.brandes@mercer.com).

Andrea J. Rosholt, Attorney for Plaintiff Donnie Ely  
([arosholt@hawleytroxell.com](mailto:arosholt@hawleytroxell.com))

Brad P. Miller, Attorney for Plaintiff Donnie Ely  
([bmiller@hawleytroxell.com](mailto:bmiller@hawleytroxell.com))

James P. Baker, Attorney for Plaintiff Donnie Ely  
([james.baker@bakermckenzie.com](mailto:james.baker@bakermckenzie.com))

Douglas A. Darch, Attorney for Plaintiff Donnie Ely  
([douglas.darch@bakermckenzie.com](mailto:douglas.darch@bakermckenzie.com))

/s/ Robert H. Stroup  
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